

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY PAUL LUCERO,

Petitioner,

v.

PEOPLE OF THE STATE OF
CALIFORNIA, et al.,

Respondent.

No. 2:24-cv-00267-KJM-CSK P

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 21, 2024, the magistrate judge filed findings and recommendations, which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner did not file objections to the findings and recommendations.

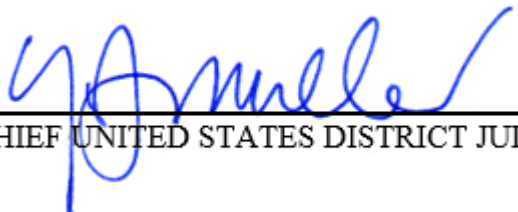
The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis. *See Hammond v. Asuncion*, No. 18-08788,
3 2019 WL 1454200, at *3 (C.D. Cal. Apr. 1, 2019) (noting “a district court may dismiss a habeas
4 petition for failure to timely pay the filing fee or submit an IFP application” and collecting
5 authority).

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations (ECF No. 5) are adopted in full; and
8 2. This action is dismissed without prejudice.

9 DATED: May 1, 2024.

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12 CHIEF UNITED STATES DISTRICT JUDGE
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